

Serial No. 10/614,206
Reply to Office Action Mailed: June 14, 2005
Attorney Docket No. 056208.50977C1

REMARKS

Description of amendments

Claims 1, 3, 4, 6, 10-12, and 15-17 are now pending and under examination, and claims 2, 5, 7-9, 13, 14, and 18-22 have been withdrawn. Applicants have amended claims 1, 4, 10, and 15-17. No new matter has been added.

Objection to claims 15-17

Claims 15-17 were objected to for containing informalities. Applicants believe that the amendments to claims 15-17 overcome the objection.

Rejections under 35 U.S.C. §§102 and 103(a)

Claims 10 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (US 5,567,134). Claims 1, 3, 4, 6, 10, 12, and 15-17 were rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US 2004/0052664). Claims 1, 3, 10 and 12 were rejected under 35 USC 103(a) as being unpatentable over Jay (EPO 0 976 926). For the following reasons, Applicants respectfully request reconsideration and withdrawal of the rejections.

According to the invention, the fuel leaked from the end of the sliding portion of the cylinder and the plunger can be recovered within the pump itself. Therefore, the fuel pumping system can compact, and the fuel does not evaporate as compared with the case in which the leaked fuel is returned to a fuel tank, since atmospheric pressure does not act to the leaked fuel.

Inoue discloses a fuel pump having only one seal (70). Therefore, the seal (70) cannot be a seal having both functions suitable for a fuel seal and suitable for a lubricant seal.

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Further, the fuel in the fuel pool (54) leaked from the end of the sliding portion of the cylinder and the plunger is returned to the fuel tank through the return a passage (18) and a return connector (19). Therefore, there is a problem that a long fuel return passage is needed in order to recover the leaked fuel of mere about 1 c.c. Moreover, since atmospheric pressure in the fuel tank acts through the return passage (18) and the return connector (19) to the fuel pool (54), it is possible that the leaked fuel evaporates and cannot be recovered.

Applicants have carefully reviewed the Saito reference and its international application. It is Applicants' opinion neither the Saito reference nor its international application is prior art to the present application. The Saito reference is not prior art under 35 U.S.C. §102(e) because its U.S. filing date (July 1, 2003) is later than the present application's filing date (February 28, 2002). Its U.S. publication date (March 18, 2004) is therefore also later than the present application's filing date. Thus, the Saito reference is not prior art under 35 U.S.C. §102(a) or §102(b).

Its international application also is not prior art under 35 U.S.C. §102(e) because it was not published in English. The international application also is not prior art under 35 U.S.C. §102(a) or §102(b), because its international publication date (July 18, 2002) is later than the present application's filing date.

Jay discloses a fuel pump having only one seal (20). The fuel leaked from the end of the sliding portion of the cylinder and the plunger into the chamber (28) is returned to the fuel tank through the drain duct (29). Accordingly, Jay also has the above-mentioned disadvantages of Inoue.

Jay does not disclose two seal elements, as the Examiner contended. With the two seal-element structure, it is possible to obtain the advantages set forth on page 25, line 21 to page 27, line 28 in the specification. The two seal-element structure having such advantages is not an obvious matter, as the Examiner argued.

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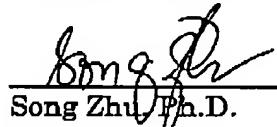
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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056203.50977C1).

Respectfully submitted,

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